

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ASBESTOS PRODUCTS
LIABILITY LITIGATION (No. IV)

BENJAMIN HILL CARTER, JR.

v.

FIBERBOARD CORP., et al.

FILED

FEB 29 2012

MICHAEL KUNZ Clerk
U.S. District Court

Consolidated Under
MDL DOCKET NO. 875

E.D. PA Civil Action No.
09-cv-74351*

10-60978-File
Transferor Court:

S.D. Georgia
91-00164

ORDER

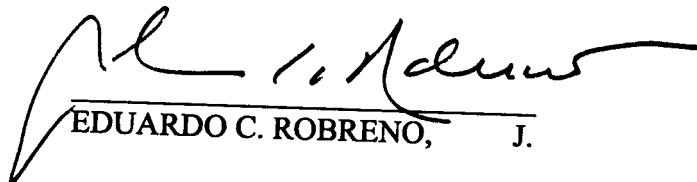
AND NOW, this ²⁸ day of February, 2012, upon consideration of the pleadings and the record herein, and after review of the Report and Recommendation of M. Faith Angell, United States Magistrate Judge, it is hereby **ORDERED** that:¹

Defendant CSX Transportation's Motion to Strike the Rebuttal Expert Report of Dr. James Millette [See Docket #23] is **GRANTED**. This expert report fails to directly rebut the Defendant's experts and Plaintiffs have presented no justification for a delayed expert report.

It is further **ORDERED** that Judge Angell's Report and Recommendation is **APPROVED** and **ADOPTED**.

BY THE COURT:

Feb. 28, 2012


EDUARDO C. ROBRENO, J.

* This ruling applies to all of the cases in which Dr. Millette has been offered as a "rebuttal" expert as identified in Exhibit "A."

¹No objections have been filed.